IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 22773 of 2003

Between:

Smt. Yenugula Adilakshmi W/o. Sri Y.K.Mutyala Rao
Door No.6-2-18, Tailorpet, Chittinagar, Vijayawada.

..... PETITIONER

AND

1 Senior Branch Manager, A.P.State Financial Corporation,
Branch Office at Pioneer House, 2nd floor , Labbipet,
vijayawada.
2 Sri Sarma, M/s. Sree Offset Printers,
40-20-16, Pragathi Nagar, Labbipet,
Vijayawada - 10

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly writ of Mandamus, call for the records relating to and in connection with the Sale Notification appearing in a section of press offering the immovable property collateral security belonging to the petitioner, the House at D.No.40-20-16, Pragathi Nagar, Labbipet, Vijayawada-10 and declare the same as illegal, void and contrary to the principles of natural justice and established guidelines required to be followed for one time settlement.

Counsel for the Petitioner:MR.T.JAGDISH

Counsel for the Respondent No.1: MR.Y.N.LOHITA

Counsel for the Respondent No.2: None appeared.

And Government Pleader for Cooperation.

The Court made the following :

ORDER:-

Heard both the learned counsel and at their request, the main writ petition itself is taken up for disposal.

In this writ petition, the petitioner who is a borrower from the respondent-Corporation, inter alia, seeks to challenge the sale conducted against the recovery of the amount which fell due.

The case of the petitioner is that substantially the petitioner already discharged the amount due and for the balance amount, the respondents cannot proceed with the property. Further, it is submitted that the petitioner is prepared to seen for one time settlement to discharge the entire amount, instead of proceeding for sale of the property.

Taking into consideration the submissions made on either side and also on perusal of the material on record and especially in view of the submission made on behalf of the petitioner across the Bar, it is not necessary to go into the merits of the case. Suffice to permit the petitioner to make representation to the petitioner.

Accordingly, this writ petition is disposed of permitting the petitioner to make a representation to the respondent-Corporation within a period of four weeks from today and the same shall be considered and disposed of in accordance with law on its own merits after giving notice and opportunity. No costs.

10—08—2004.

Stv/-

To

1 Senior Branch Manager, A.P.State Financial Corporation,
Branch Office at Pioneer House, 2nd floor , Labbipet,
vijayawada.

2.2CCs to the G.P. for Cooperation, High Court Buildings, Hyderabad.(OUT).

3.2CD copies